

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

CHRISTOPHER A. CUVAR, :  
Plaintiff, : Case No. 3:11cv00259  
v. : District Judge Walter Herbert Rice  
Magistrate Judge Sharon L. Ovington  
JUDGE STEVEN L. HURLEY, *et al.*, :  
Defendants. :

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**REPORT AND RECOMMENDATIONS<sup>1</sup>**

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This case is presently before the Court upon Plaintiff Christopher A. Cuvar's "Motion for Voluntary Withdraw of Motion(s) Without Prejudice" (Doc. #29), and the record as a whole.

On January 30, 2012, Plaintiff, proceeding *pro se*, requested "this Court to allow the Plaintiff to voluntarily withdraw his motion(s) before this Court, without prejudice, in accordance with Federal Civil Rule 41 (a)(2)." (*Id.* at 2). Plaintiff informed this Court that he arrived at his decision "[b]ased on [his] recent understanding of this case and the likelihood of success being limited, based on discovery in the matter . . ." (*Id.*). Defendants Judge Steven L. Hurley and Adrienne D. Brooks have not filed any memorandum in opposition, nor are there any counterclaims pending in this case.

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<sup>1</sup> Attached hereto is NOTICE to the parties regarding objections to this Report and Recommendations.

Accordingly, Plaintiff's Motion for Voluntary Withdraw (Doc. #29) should be granted.

**IT IS THEREFORE RECOMMENDED THAT:**

1. Plaintiff's Motion for Voluntary Withdraw of Motion(s) Without Prejudice (Doc. #29) be GRANTED and this case DISMISSED without prejudice;
2. Plaintiff's Motion for Temporary Leave to File an Amended Complaint (Doc. #22) be DENIED as moot;
3. Defendant Judge Steven L. Hurley's Motion for Judgment on the Pleadings (Doc. #24) be DENIED as moot;
4. Defendant Adrienne D. Brooks' Motion for Judgment on the Pleadings (Doc. #27) be DENIED as moot; and,
5. This case be terminated on the docket of this Court.

February 27, 2012

s/ Sharon L. Ovington  
Sharon L. Ovington  
United States Magistrate Judge

## **NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen (14) days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen (17) days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen (14) days after being served with a copy thereof.

Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See, United States v. Walters*, 638 F. 2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).